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concl.

a reclosable fastener extending along said mouth; and  
a bottom header consisting of only one header panel extending downward from said first body panel, said header panel including an opening for mounting the plastic bag to a dispensing post, said header panel including one or more tearable areas that allow the plastic bag to be substantially removed from said dispensing post in response to being broken.

### REMARKS

Claims 1-5, 7-12, 14-18, 19, and new claim 20 are pending in the present application. The Examiner is directed to the applicant's Second Preliminary Amendment dated January 8, 1997 for claim 19, which is not referenced in the Office Action.

#### **I. Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1-5, 7-12, and 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Duns' British Patent Specification ("Duns") in view of Herrington, Jr. '208 ("Herrington"). The Office Action relies upon Duns for its alleged disclosure of all claimed features except for a reclosable fastener, and relies upon Herrington for its alleged disclosure of a reclosable fastener. To combine Duns and Herrington, the Office Action states:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide each of the bags in Duns' pack of bags shown in Figures 1-5 with a reclosable fastener, as taught by Herrington, because Herrington's fastener provides a convenient way to close a bag.

The applicant respectfully disagrees and, for the reasons set forth below, believes that the combination of Duns and Herrington is improper.

The applicant respectfully submits that it would not have been obvious to provide Duns with a reclosable fastener. Duns discloses "wardrobe" bags. Page 1, line 24; FIG. 7.

Wardrobe bags are generally used to hold drycleaned clothing or new clothing such as suits, coats, and the like.

If the wardrobe bag in Duns is used to hold drycleaned clothing, there would be **no** incentive to provide the drycleaning bag with a reclosable fastener. Providing drycleaning bags with reclosable fasteners could trap dangerous chemicals in the clothing. The applicant has enclosed several articles from LEXIS research database explaining that the chemicals in drycleaned clothing are hazardous to your health and that drycleaned clothing should be allowed to "breathe" or "air out" to minimize the dangers to your health. One of the articles even recommends that drycleaning "wraps" (i.e. bags) be discarded. Relevant excerpts from these articles are given below:

- The Ottawa Citizen, December 23, 1991 - "Tips to help create a safe environment for children... Always discard plastic wraps, especially drycleaning covers."
- Calgary Herald, April 22, 1996 - "ENVIRONMENTAL ILLNESS PREVENTION TIPS... Hang drycleaned clothes outside for several days to air out chemicals."
- East West, July 1989 - "If you suffer headaches in the morning but feel better once you're at work, move you freshly drycleaned clothes out of your bedroom closet! The trichloroethylene (TCE) used in the dry-cleaning process can cause toxic reactions resulting in headaches. One solution, in mild weather, is to leave dry cleaning on the porch for a few hours until the chemical smell has disappeared."

Obviously, there would be **no** incentive or motivation to provide Duns with a reclosable fastener in the situation where Duns' wardrobe bag is used to hold drycleaned clothing. See MPEP § 2143.01 ("If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).").

If the wardrobe bag in Duns is used to hold new clothing such as suits, coats, and the like, there would be **no** incentive to provide the bag with a reclosable fastener *along the mouth*

of the bag as required by the claimed invention. Rather, any reclosable fastener applied to Duns would likely be oriented parallel to and halfway between the sides of the bag in order to facilitate access to the clothing within the bag. Referring to Duns, such a fastener would run vertically, not horizontally, in FIG. 1. If a reclosable fastener were applied along the mouth of the wardrobe bag in Duns, it would be difficult to gain access to the clothing within the bag. If, for example, the wardrobe bag were hung on standard shelving, one would have to (1) awkwardly bend down to grasp and open the fastener and (2) either lift the opened bag over the clothing or awkwardly reach into opened bag and pull the clothing off its hanger and out of the bag. Thus, even if the wardrobe bag in Duns was provided with a reclosable fastener, such a fastener would **not** be applied *along the mouth* of the bag as required by the claimed invention. *See* MPEP § 2143.01 (“If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).”).

In light of the foregoing remarks, the applicant submits that the § 103 rejection should be overcome because the combination of Duns and Herrington is improper.

## **II. New Claim 20**

New claim 20 is similar to claim 1, with the exception that new claim 20 requires that the bottom header “consist[s] of only one header panel.” This requirement is supported by the specification, which states that “one of the header panels 36a and 36b [in FIG. 2] may be eliminated so that the header 36 includes only a single panel.” The use of a single header panel for forming the bottom header is advantageous because the bottom header employs less plastic material. As a result, the plastic bag is less expensive to manufacture.

The cited prior art fails to teach or suggest the plastic bag claimed in new claim 20.

The combination of Duns and Herrington is improper for the reasons set forth above.

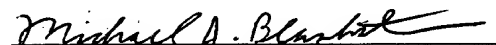
Assuming *arguendo* that Duns and Herrington can be combined, **neither** reference discloses a bottom header *consisting of only one header panel*. The bottom header in Duns includes two header panels (see FIG. 2). Accordingly, new claim 20 should be allowable.

### III. Conclusion

The applicant submits that the present application should now be in a condition for allowance, and action toward that end is earnestly solicited.

The Examiner is invited to contact the undersigned attorney at 312/744-0090 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

  
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Copyright 1991 Southam Inc.  
The Ottawa Citizen

December 23, 1991, Monday, FINAL EDITION

SECTION: LIVING; FAMILY; Pg. B3

LENGTH: 440 words

HEADLINE: Tips to help create a safe environment for children

BYLINE: KERI SWEETMAN; CITIZEN

**BODY:**

Every five hours somewhere in Canada, a child dies from injuries. For every child who dies, 40 others are admitted to hospital and 2,500 are treated in emergency wards.

Many of these accidents could be prevented, especially if parents took the time to create a safe environment for their children at home, in the car, at school and at the playground. Parents must also teach their children to play safely and to be alert to the dangers around them.

Here are some tips offered by the Canadian Red Cross and other safety-promotion organizations:

- \* Falling is the leading cause of injury for children under age five. Make sure your high chair, stroller and grocery cart are equipped with seat belts, and use them at all times. Child gates should be installed wherever there are stairs, and all windows and balcony doors should have child-proof latches. All carpets should be anchored.

- \* Never allow a child to run or play while eating food. Keep pen tops away from children because they are easy to swallow and will obstruct breathing. Always discard plastic wraps, especially drycleaning covers. Cut all food into child-sized pieces. Pay particular attention to hot dogs, which are the culprit in many choking incidents.

- \* Although parents are usually careful while bathing their children in their first year of life, bathtub supervision falls off between ages one and four, with sometimes fatal results. Young children must be supervised as carefully as infants. Do not ask babysitters or older siblings to bathe infants.

- \* Most parents know they should store dishwasher detergent in a safe place, along with other hazardous cleaning products. However, most caustic burns

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involving dishwasher detergent come from residue in the soap holder in the machine. Never allow a child to play with the dishwasher while you unload it.

\* Never allow a child to travel in the car without being properly restrained in an infant seat, a child car seat or, for older children, a seatbelt. Make sure car seats are properly installed (40 per cent aren't). Shoulder straps shouldn't be used on older children until they are tall enough for the strap to reach across their shoulder, not the neck or face.

\* Never use a baby walker. Many infants have received severe head injuries when their walkers tipped over or fell down stairs. They also delay infant development.

\* Don't allow your children to ride a bicycle without wearing a proper helmet. Almost 90 per cent of bicycle-related head injuries could be prevented if riders wore helmets. Child carriers for bicycles should only be used in traffic-free areas, such as parks.

LANGUAGE: ENGLISH

LOAD-DATE: December 23, 1991



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ASAP  
Copyright 1989 East West Partners  
East West

July, 1989

SECTION: No. 7, Vol. 19; Pg. 52; ISSN: 0888-1375

IAC-ACC-NO: 07719497

LENGTH: 2289 words

HEADLINE: Warning: your home may be hazardous to your health; identifying and eliminating toxins

BYLINE: Reuben, Carolyn

BODY:

**WARNING: YOUR HOME MAY BE HAZARDOUS TO YOUR HEALTH**

THOSE SILLY BUMPER STICKERS ARE true: housework really can be detrimental to your health. After a fifteen-year study of Oregon housewives ages sixteen to sixty-four, one research team found them twice as likely as working women to die of cancer, blaming chronic exposure to carcinogenic materials found in cleaning materials such as petroleum distillates, benzene, naphtha, chlorinated hydrocarbons, and ammonia.

Even for the rest of us, who like to think of them, be they ever so dirty, as our castles, our homes may turn out to be our curse. According to a five-year study by the Environmental Protection Agency (EPA), "Common activities such as driving, showering, wearing drycleaned clothes, and passive smoking" are important sources of dangerous levels of indoor pollution. The EPA sampled indoor and outdoor air, breath, and drinking water from households in California, North Carolina, New Jersey, and North Dakota. At least eleven chemicals were found to be two to five times higher indoors than they averaged outdoors in all geographical areas tested. Some households had exposure to chemicals seventy times the outdoor rates!

The worst household dangers identified so far include smoking, living with a smoker, using air fresheners, moth crystal, aerosol sprays, and storing paints and solvents, asserted EPA scientist Lance A. Wallace in the Los Angeles Times. In the mid-1980s, a report by the Consumer Product Safety Commission identified 150 different chemicals regularly found in our homes--pollutants

linked with cancer, allergies, psychological abnormalities, and birth defects. The report warned that indoor pollution was worsening.

Don't be surprised if you find your castle starting to look more like a house of horror. Clean out the toxic pollutants as best you can, and you may discover unexpected improvements in chronic health conditions. There are simple, sometimes inexpensive alternatives to just about everything you are used to using, wearing, walking on, and applying in your home, alternatives that not only will please your senses, but may save your life.

### CLEANING UP THE KITCHEN

Let's begin our detective work in the kitchen, where, over the last decade or so, microwave ovens have become a standard appliance. If the door seal is tight, your oven probably isn't leaking more than government standards permit. However, the Soviet Union and other Eastern European nations believe safe exposure levels are one-thousandth of those considered acceptable by the U.S. (10 microwatts, rather than 10 milliwatts per cubic centimeter). In the Eastern Bloc, researchers have discovered that long-term exposure to low-level microwave radiation affects the central nervous system, causing insomnia, decreased sexual potency, dizziness, and birth defects. So if you must use a microwave oven, don't stand in front of it watching your food cook.

Although natural gas burns more cleanly than wood and coal, it has its own dangers. Researchers at California's Lawrence Berkeley Laboratory found that a poorly ventilated kitchen could be contaminated, after cooking with a gas stove at 350 degrees F, with as much carbon monoxide and nitrogen dioxide gas as L.A.'s smoggy skies. Carbon monoxide gas binds to red blood cells, depriving the body of needed oxygen. One researcher at Harvard University Medical School found that children ages six to nine living in homes using gas stoves suffered up to 15 percent more respiratory ailments than children living in homes where electricity was used. So, when using a gas range, turn on the exhaust fan and keep a window open.

Lead is a highly toxic heavy metal and is sometimes found in imported ceramic cookware and the soldering that holds tin cans together. Lead poisoning can lead to irreversible damage to a child's central nervous system. Orange juice or any acidic food should not be kept in the refrigerator in its original metal container, since lead from the solder can leach out into the can's contents. Closed glass bottles are best.

Cleaning solvents are a chronic source of danger:

Metal--Avoid the ammonia and petroleum distillates in commercial products, and magnetize tarnish away. According to Debra Lynn Dadd, consumer health

advocate and author of *The Nontoxic Home*, in salty water aluminum acts as a magnet, drawing the tarnish from the metal of kitchen equipment or jewelry. You can use your kitchen sink for large items, putting down a sheet of aluminum foil and adding a few handfuls of salt. For silverware, add aluminum foil to the bottom of a pan, add two to three inches of water, a teaspoon of salt, and a teaspoon of baking soda. Boil, and then submerge all the silverware. Boil again for two to three minutes. Remove, rinse, and dry. Or try baking soda and water to clean sterling silver and brass. Lemon juice will also clean brass and copper, as will a paste of lemon juice and salt. Rub brass with olive oil after cleaning to prevent tarnish buildup. Use apple cider vinegar on a soft cloth for chrome, or rub the chrome with lemon peel. Bronze, copper, and steel can be rubbed clean with table salt dampened with lemon juice or vinegar.

**Sinks--**Bon Ami is one easily available product that doesn't have the chlorine contained in other scouring powders.

**Walls and Floors--**Use a teaspoon of borax in a quart of hot water with a splash of vinegar instead of an ammonia-based commercial all-purpose cleaner.

**Oven--**Avoid lye and ammonia-based cleaning products. Use a cookie sheet or aluminum foil to catch spills. Otherwise, clean with Bon Ami as soon as the oven cools, or apply a liquid paste of baking soda and water.

## THE LIVABLE LIVING ROOM

Every wire that carries electricity produces electromagnetic waves," says writer Alfred Zamm, M.D. In the home, radiation emanates from electrical wires and from the sides of computers, televisions, stereos, lamps, vacuum cleaners, and kitchen equipment; add this to the microwave radiation from radio stations, television stations, military bases, taxis, private car telephones, garage-door openers, car alarms, house alarms, and so on, and you can imagine the denseness of the electromagnetic soup in which you exist. Some research suggests that these subtle electromagnetic forces can adversely affect your health.

To protect yourself somewhat from electrical pollution, spend some of your time in a room kept free of electronic gadgetry. Spray anti-static fluid, such as can be made from one part Downy fabric softener to five parts water, on your synthetic carpet each month to reduce the positive ions generated by walking across it. (Positive ions rob you of oxygen and make you sleepy, among other effects.) Or replace synthetic carpeting with nonporous ceramic tile or hardwood floors sealed with a nontoxic finish that doesn't need waxing, such as those available from AFM and Livos (see Resources, p. 69). Machine-washable, natural-fiber throw rugs or Oriental carpets that can be picked up and cleaned are highly preferable to synthetic wall-to-wall carpeting (see "The Floor Plan

for Health," p. 55).

Formaldehyde outgassing from particle board, fake wood, and plywood furniture is dangerous to your health, and is especially a problem in mobile homes and recreational vehicles.

An ingredient in carpet shampoo called sodium dodecyl sulfate can cause eye and skin irritations, severe respiratory distress, and headaches. Rug and upholstery cleaners may also contain naphthalene, ammonia, and other toxic ingredients. For safe spot removal, Dadd suggests one-quarter cup borax dissolved in two cups cold water, undiluted vinegar, or lemon juice.

Homeowners and farmers sometimes use a wood preservative called pentachlorophenol or a related product called creosote, which is brushed or sprayed on wood fences, sun decks, outdoor furniture, and indoor woodwork to prevent decay and insect destruction. These two chemicals can cause cancer and birth defects. Outgassing of these chemicals from an exposed beam can cause acute sickness and increase the eventual risk of cancer to those living in the home. According to Jim Sibbison, who has written on the subject, the best solution is to apply a sealant such as urethane, epoxy, or shellac to creosote-treated wood, or urethane, shellac, latex epoxy enamel, or varnish to pentachlorophenol-treated wood. "It is especially important that outdoor furniture be sealed this way, to prevent exposure to bare skin," Sibbison says.

Wallpaper paste may contain anti-insect and anti-mold chemicals. If you're sensitive to your chemical environment live with painted walls instead.

Finally, don't throw the Sunday funnies into your fireplace: the colored inks give off arsenic vapors. And never burn charcoal briquettes indoors--they give off carbon monoxide fumes, so confine your barbecuing to the porch or patio.

## THE NONTOXIC BEDROOM

If you suffer headaches in the morning but feel better once you're at work, move your freshly drycleaned clothes out of your bedroom closet! The trichloroethylene (TCE) used in the dry-cleaning process can cause toxic reactions resulting in headaches. One solution, in mild weather, is to leave dry cleaning on the porch for a few hours until the chemical smell has disappeared.

It may decrease your workload to use "no-iron," "permanent-press," or "crease-resistant" clothing and sheets, but they can create an unwanted load on your immune system. Formaldehyde is what makes textiles wrinkle-free (and nylon flame-proof) according to Dadd. She warns that all polyester/cotton blends and any cottons labeled as easy-care have been treated with formaldehyde, which is

suspected of being carcinogenic, teratogenic (causing birth defects), and mutagenic (causing genetic changes). In addition, inhaling formaldehyde vapors can cause respiratory, skin, and gastrointestinal problems. It has even been implicated in sudden infant death syndrome.

The term used for the release of chemical vapors from products is "outgassing." According to Dadd, research at NASA has revealed that polyester outgasses more than any other synthetic product, causing respiratory, skin, and eye irritation. So wool, linen, and cotton clothes are not only more comfortable, less clingy and more absorbent of sweat, they're healthier--unless, of course, you're allergic to them. And if you seem to be, make sure it isn't mothproofing applied to wool by the dry cleaner or manufacturer, or easy-care finishes on cotton, that you are really reacting to.

One other source of danger in the bedroom is your electric blanket. Any electric wire has an electromagnetic field around it, and an electric blanket has multiple wires. With an electric blanket, warns electromedicine consultant Fred Lerner, D.C., Ph.D., "you are being bathed with a 60-cycle-per-second electromagnetic field. This is the same radiation implicated in increasing incidences of leukemia in children living under high-power lines, according to research done in Denver, Colorado, and replicated in Sweden and Canada. Electric blankets may even contribute to higher-than-normal rates of miscarriage."

## HAZARD HOTSPOTS

Methylene chloride is a solvent used primarily in hairsprays. You guessed it: it's been found carcinogenic in animal tests, and is suspected to be dangerous to humans. This same substance is often used to decaffeinate coffee, and can be part of spray paints and insect sprays. If you'd like some comforting news, the EPA believes that exposure from these sources poses an insignificant risk to humans.

There are plenty of other hazards in the tiny space of your bathroom, however--such as talcum powder. Yes, the white, sweet-smelling stuff you've dusted tushes with for years may be dangerous to your health. Boston's Brigham and Women's Hospital found that women using talcum on their genitals and sanitary napkins were three times as likely to develop ovarian cancer as women who didn't use the powder. And how about toothpaste? Some commercial brands contain formaldehyde.

Sensitive folks can react to the mineral oil contained in most face creams. Mineral oil is a petroleum product that clogs pores and is potentially carcinogenic. Mariana Chice, proprietor of Mariana's European Skin Care Salon in West Hollywood, suggests avoiding other petroleum products in your cosmetics, such as paraffin, propylene glycol, and isopropyl myristate. Other substances

she suggests you avoid are sodium lauryl sulfate, TEA, and DEA.

Here's a doozy: Showering may be dangerous to your health! According to Julian B. Andelman, professor of water chemistry at the University of Pittsburgh, the chlorine that is supposed to control bacteria is transformed when heated into chloroform, which then evaporates into the surrounding air during a shower and spreads through the house. To prevent exposure to chloroform, you can purchase a shower-head filter. [See Sundial, page 98, for information on the ShowerCleen shower filter.]

The laundry room is the source of some of the home's most dangerous chemicals. You know them as bleaches, fabric softeners, detergent, and so on. Dadd cites some of the villains: naphthalene, phenol, ammonia, EDTA, and dyes. Alternatives for washing cotton are borax, washing soda, baking soda, or natural soaps like Neo-Life Green, Erlander's Natural Products, or Granny's Old Fashioned Laundry Concentrate. Dadd also recommends one tablespoon of TSP (a commercial cleaning solution) per washload and a couple drops of vinegar to prevent colors from fading. Do-it-yourselfers may want to sprinkle diatomaceous earth on greasy spots and leave it for up to two hours as a spot remover.

LANGUAGE: ENGLISH

IAC-CREATE-DATE: February 22, 1997

LOAD-DATE: April 25, 1997



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Calgary Herald

April 22, 1996, Monday, FINAL EDITION

SECTION: CITY & LIFE; Pg. B2

LENGTH: 576 words

HEADLINE: Ails you: Hundreds of people fall prey every day to sickness at work and at home

BYLINE: EVA FERGUSON, CALGARY HERALD

**BODY:**

Hundreds of Calgarians are falling prey to sickness from the air in the home and workplace, says an environmental illness expert.

Tang Lee, a professor in environmental design, fields up to 10 calls a day from people -- compared with one or two calls daily five years ago -- who say they are sick from the air they breathe.

"More and more people are having to deal with this," said Lee, who does consulting work in environmental illness. "It seems every day it's increasing.

"They're getting sick, their kids are getting sick and they think it might be their environment. And they don't know what to do."

The professor spoke on the growing problem Sunday at an Earth Day celebration hosted by the Alberta Society for Environmental Housing and Health.

Lee said an increasing number of Calgarians are battling a variety of reactions to environmental pollutants. These include fatigue, watery eyes, running noses, headaches, severe allergic reactions, asthma and some memory loss.

Children are especially susceptible because they have higher heart and metabolic rates and their immune systems are weaker.

He attributes the problem to a number of factors, especially lifestyles and technology. "We've been designing these energy-efficient buildings which are made air-tight to reduce air leakage. But that process also reduces the ability to dilute contaminants being produced all the time from normal human activities."

Lee said as we spend more of our lives indoors -- from building indoor hockey arenas to plus-15s to shopping malls -- we also continue to introduce more petrochemicals to the indoor environment like plastics, carpets, dyes and paints which can be toxic to varying degrees.

"We've introduced so many so fast that we haven't had time to adjust. And when you're in such close contact to all these things . . . you impair your ability to function."

But while so many people are faced with environmental illness, many can't recognize it, don't know how to treat it and often can't find help. The medical profession, Lee said, doesn't have much experience in recognizing or treating environmental illness.

But Calgarians who suspect they may have the problem can take action of their own.

Lee, referring to a plan he calls House-Hygiene, advises anyone who suspects they have an environmental illness to look at their surroundings. He recommends high-quality furnace vents, central vacuum systems, fewer rugs and more tiling and hardwood. Workplaces can be given better ventilation, particularly in areas with photocopiers and laser printers.

"It's quite simple. If you're getting sick, remove what it is that's making you sick," Lee said.

## ENVIRONMENTAL ILLNESS PREVENTION TIPS

### IN THE HOME

- Keep shoes, coats and other clothing full of dust away from sleeping quarters.
- Hang drycleaned clothes outside for several days to air out chemicals.
- Open new furnishings outside and let air out for several days.
- Use range hood while cooking if it's vented to outside.
- Avoid use of brooms and dusters; purchase a central vacuuming system.

### AT WORK

- Avoid workstations near photocopiers or laser printers.

- Try to get outside during coffee breaks or lunch.
- Open windows as often as possible.
- When renovating, use all natural carpets, or use tile or hardwood.
- The issue: Environmental illness.
- What's new: Expert says hundreds of Calgarians fall prey each year.

GRAPHIC: Photo: File photo, Calgary Herald / TANG LEE: University of Calgary professor of environmental design stands in front of solar collectors he created for the Sandstone Valley Ecumenical Centre in 1990

LANGUAGE: ENGLISH

LOAD-DATE: April 23, 1996